

ASSEMBLY BILL

No. 1784

Introduced by Assembly Member Wolk
(Coauthors: Assembly Members Bates, Canciamilla, Chu, Correa,
Daucher, Shirley Horton, Nakano, Negrete McLeod, Richman,
and Wiggins)

July 15, 2003

An act to amend Section 87102 and to add Section 87102.7 to the Government Code, relating to the Political Reform Act of 1974, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 1784, as introduced, Wolk. Political Reform Act of 1974: conflict of interest: Member of the Legislature: lobbying interests.

Existing law prohibits a Member of the Legislature from making, participating in making or in any way attempting to use his or her official position to influence specified governmental decisions in which he or she knows or has reason to know he or she has a financial interest. Existing law imposes administrative penalties on Members of the Legislature who violate this prohibition.

This bill would prohibit a Member of the Legislature from making, participating in making, or in any way attempting to use his or her official position to influence any decision on any matter in connection with which a lobbyist, lobbying firm, or lobbyist employer who has attempted to influence that Member in regard to that matter has, or within the prior 12 months had, a business relationship with the Member. The bill would apply the prohibition only with regard to those business relationships entered into on or after July 1, 2003. The bill would define business relationship to include circumstances where the

Member or the Member's controlled committee, or both, paid the lobbyist or lobbying firm to perform services in connection with the Member's campaign, or to provide legal or other professional services relating to the Member's status or activities as an elected official, as specified.

Existing law makes a violation of the act subject to administrative, civil, and criminal penalties.

The bill would impose a state-mandated local program by making a Member of the Legislature subject to administrative, civil, and criminal penalties for violating the provisions of this bill.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

The Political Reform Act of 1974, an initiative measure, provides that the Legislature may amend the act to further the act's purposes with a $\frac{2}{3}$ vote of each house and compliance with specified procedural requirements.

This bill, which would declare that it furthers the purposes of the Political Reform Act of 1974, would therefore require a $\frac{2}{3}$ vote.

The bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 87102 of the Government Code is
2 amended to read:
3 87102. The requirements of Section 87100 are in addition to
4 the requirements of Articles 2 (commencing with Section 87200)
5 and 3 (commencing with Section 87300) and any Conflict of
6 Interest Code adopted thereunder. Except as provided in ~~Section~~
7 Sections 87102.5 and 87102.7, the remedies provided in Chapters
8 3 (commencing with Section 83100) and 11 (commencing with
9 Section 91000) shall not be applicable to elected state officers for
10 violations or threatened violations of this article.



1 SEC. 2. Section 87102.7 is added to the Government Code, to
2 read:

3 87102.7. (a) A Member of the Legislature may not make,
4 participate in making, or in any way attempt to use his or her
5 official position to influence any decision on any matter in
6 connection with which a lobbyist, lobbying firm, or lobbyist
7 employer who has attempted to influence that Member in regard
8 to that matter has, or within the prior 12 months had, a business
9 relationship with the Member.

10 (b) For the purposes of this section, a business relationship
11 between a Member and a lobbyist, lobbying firm, or lobbyist
12 employer exists in either of the following circumstances:

13 (1) A Member of the Legislature or any of his or her controlled
14 committees, or both, has contracted for or paid the lobbyist or
15 lobbying firm to act as a campaign manager, campaign consultant,
16 campaign fundraiser, or other campaign professional for the
17 Member or any of his or her controlled committees, or both.

18 (2) Both of the following have occurred:

19 (A) A Member of the Legislature or any of his or her controlled
20 committees, or both, has contracted for or paid the lobbyist or
21 lobbying firm to provide legal or other professional services
22 relating to the Member's status or activities as an elected official.

23 (B) During any quarter of the calendar year, the services
24 provided during that quarter have a cumulative fair market value
25 that equals or exceeds one thousand dollars (\$1,000). There shall
26 be a new one thousand dollar (\$1,000) limit for each quarter of the
27 calendar year.

28 (c) This section applies only to business relationships entered
29 into on or after July 1, 2003.

30 (d) Upon identification of a conflict of interest or potential
31 conflict of interest pursuant to this section, a Member of the
32 Legislature shall recuse himself or herself from voting on the
33 matter, or otherwise acting in violation of this section, and shall
34 disclose on the record the nature of the business relationship giving
35 rise to the potential conflict.

36 (e) The remedies provided in Chapters 3 (commencing with
37 Section 83100) and 11 (commencing with Section 91000) are
38 applicable to Members of the Legislature for violations or
39 threatened violations of this Section.

1 SEC. 3. No reimbursement is required by this act pursuant to
2 Section 6 of Article XIII B of the California Constitution because
3 the only costs that may be incurred by a local agency or school
4 district will be incurred because this act creates a new crime or
5 infraction, eliminates a crime or infraction, or changes the penalty
6 for a crime or infraction, within the meaning of Section 17556 of
7 the Government Code, or changes the definition of a crime within
8 the meaning of Section 6 of Article XIII B of the California
9 Constitution.

10 SEC. 4. The Legislature finds and declares that the provisions
11 of this act further the purposes of the Political Reform Act of 1974
12 within the meaning of subdivision (a) of Section 81012 of the
13 Government Code.

14 SEC. 5. This act is an urgency statute necessary for the
15 immediate preservation of the public peace, health, or safety
16 within the meaning of Article IV of the Constitution and shall go
17 into immediate effect. The facts constituting the necessity are:

18 In order to prevent undue influence by lobbyists, lobbying
19 firms, and lobbyist employers on Members of the Legislature, it
20 is necessary that this bill go into immediate effect.

